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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,113	12/21/2001	Matthew C.T. Chang	PW 059502 272595	7023
7590	10/06/2005		EXAMINER	
FROMMERM LAWRENCE & HAUG LLP 745 FIFTH AVENUE NEW YORK, NY 10151			SELLERS, DANIEL R	
			ART UNIT	PAPER NUMBER
			2644	
			DATE MAILED: 10/06/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/032,113	CHANG ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Daniel R. Sellers	2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 December 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-43 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is considered as an "irregular operation". An "irregular operation" is interpreted by the office to limit the operation to a seldom used function.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-9, 11-15, 17, 19-21, 23-28, and 33-43 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ali, U.S. Patent No. 6,016,472.

3. Regarding claim 1, see Ali

*A method of logging audio data; said method comprising:  
acquiring audio data;  
storing said audio data in a buffer;  
comparing the amount of said audio data stored in said buffer to a predetermined threshold value;  
and  
responsive to said comparing, writing said audio data to a non-volatile storage medium. (Col. 3,  
lines 1-27)*

Ali teaches a method of logging audio data with these features. A buffer is used to temporarily store the audio data and when a predetermined threshold is reached, it writes to a non-volatile storage medium.

4. Regarding claim 2, the further limitation of claim 1, see the preceding argument with respect to claim 1. Ali teaches that audio data is received from a DSP by a buffer. It is further taught that the DSP receives audio data from a codec with a plurality of inputs therein (Col. 4, lines 16-19).

5. Regarding claim 4, the further limitation of claim 1, see the preceding argument with respect to claim 1. Ali teaches that a DSP processes the data before transfer.

6. Regarding claim 5, the further limitation of claim 1, see the preceding argument with respect to claim 1. The predetermined amount taught by Ali can be described as a percentage of the buffer capacity.

7. Regarding claim 6, the further limitation of claim 1, see the preceding argument with respect to claim 1. Ali teaches that one write operation is used.

8. Regarding claim 7, the further limitation of claim 1, see the preceding argument with respect to claim 1. Ali teaches that the non-volatile storage medium is a flash memory, wherein it is inherent that the data is stored thereon in a flash file system format.

9. Regarding claim 8, the further limitation of claim 1, see the preceding argument with respect to claim 1. Ali teaches a flash memory, which is used as the non-volatile storage medium.

10. Regarding claim 9, the further limitation of claim 1, see the preceding argument with respect to claim 1. Ali teaches a device that logs audio data to the non-volatile medium. Ali also teaches that this is a repeatable process (Col. 7, lines 15-21).
11. Regarding claim 11, the further limitation of claim 1, see the preceding argument with respect to claim 1. Ali teaches the use of a DSP, which performs the functions of a programmable logic controller (Col. 6, lines 42-47).
12. Regarding claim 12, see the preceding argument with respect to claim 1. Ali teaches an apparatus with these features.
13. Regarding claim 13, the further limitation of claim 12, see the preceding argument with respect to claim 1. Ali teaches the use of a DSP, wherein it is inherent that a DSP can be reconfigured to process the data in a different manner.
14. Regarding claim 14, the further limitation of claim 12, see Ali ... *wherein said data storage capacity of said buffer is selectively alterable.* (Col. 5, lines 16-18 and Col. 6, lines 38-41)  
Ali teaches that a preferred embodiment can use a specific chip with a specific buffer size corresponding to the sector size of the specific chip. It is inherent that a preferred embodiment is one example of an invention and one skilled in the art can inherently change the chip, thereby changing the buffer size.
15. Regarding claim 15, the further limitation of claim 12, see the preceding argument with respect to claim 1. Ali teaches flash memory.
16. Regarding claim 17, the further limitation of claim 12, see figure 1. Ali teaches a device that has an audio interface and a telephone interface. It is inherent that audio can be output to either interface (Col. 4, lines 19-21).

17. Regarding claim 19, the further limitation of claim 12, see the preceding argument with respect to claim 13. Ali teaches this feature in the apparatus.
18. Regarding claim 20, see the preceding argument with respect to claim 1. Ali teaches a computer readable medium with instructions to perform these tasks with these features.
19. Regarding claim 21, the further limitation of claim 20, see the preceding argument with respect to claim 2. Ali teaches that the system receives audio signals from one or more sensors.
20. Regarding claim 23, the further limitation of claim 20, see the preceding argument with respect to claim 4. Ali teaches that processing is done prior to storage.
21. Regarding claim 24, the further limitation of claim 20, see the preceding argument with respect to claim 6. Ali teaches a single write operation.
22. Regarding claim 25, the further limitation of claim 24, see the preceding argument with respect to claim 7. Ali teaches these features.
23. Regarding claim 26, the further limitation of claim 20, see the preceding argument with respect to claim 8. Ali teaches an apparatus for writing to flash memory.
24. Regarding claim 27, see the preceding argument with respect to claim 12. Ali teaches a system with these features.
25. Regarding claim 28, the further limitation of claim 27, see the preceding argument with respect to claim 15. Ali teaches flash memory for storage.

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26. Regarding claim 33, see the preceding argument with respect to claim 2. Ali teaches a telephone interface, wherein a telephone interface provides bi-directional communication between said apparatus and a remote device.
27. Regarding claim 34, the further limitation of claim 33, see the preceding argument with respect to claim 1. Ali teaches a CODEC which converts analog signals to digital signals.
28. Regarding claim 35, the further limitation of claim 33, see column 7, lines 30-34. Ali teaches that the answering machine is remotely configurable.
29. Regarding claim 36, the further limitation of claim 33, see the preceding argument with respect to claim 35. Ali teaches that DTMF signals can be identified if they are present in the incoming, sampled data.
30. Regarding claim 37, the further limitation of claim 33, see the preceding argument with respect to claim 33. Ali teaches a telephone interface, and it is inherent that it can send data through the interface.
31. Regarding claim 38, the further limitation of claim 33, see the preceding argument with respect to claim 11. Ali teaches a programmable logic controller.
32. Regarding claim 39, see the preceding argument with respect to claim 35. Ali teaches an answering machine with these features that can also respond to DTMF signals that are sent from a remote location.
33. Regarding claim 40, the further limitation of claim 39, see the preceding argument with respect to claim 2. Ali teaches a plurality of audio inputs or sensors.

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34. Regarding claim 41, the further limitation of claim 39, see the preceding argument with respect to claim 39. It is inherent that at least one DTMF signature is stored.

35. Regarding claim 42, the further limitation of claim 39, see the preceding argument with respect to claim 41. It is inherent that the analyzing method searches through normal audio signal profiles.

36. Regarding claim 43, the further limitation of claim 39, see the preceding argument with respect to claim 41. Ali teaches that the system can check for DTMF signals for remote operation, which are inherently irregular operations, such as a seldom used operation.

### ***Claim Rejections - 35 USC § 103***

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. Claims 3, 10, 16, 18, 22, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ali.

39. Regarding claim 3, the further limitation of claim 1, see Ali  
*... wherein said storing comprises transferring at least a portion of said audio data to said buffer in raw form.* (Col. 6, lines 29-31)

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Ali teaches that a sample buffer is used to store the raw data, however Ali does not teach that the raw data is stored in the buffer used for transferring data to the non-volatile device. It would have been obvious to one of ordinary skill at the time of the invention to modify Ali's teachings so that processing can be bypassed and that the sample buffer can transfer directly to the non-volatile buffer for the purpose of faster storage and/or performing data processing later.

40. Regarding claim 10, the further limitation of claim 1, see the preceding argument with respect to claim 1. Ali teaches that audio is stored on a non-volatile memory device, but does not teach a method of transferring data using HTTP, FTP, or NFS. The office takes Official Notice that it is well known to transfer data between internet connected devices using HTTP or FTP and it is also well known to transfer files between computers using a UNIX or LINUX type operating system which employs the NFS protocol. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Ali with the well known techniques of data transfer for the purpose of transferring data to a remote computer.

41. Regarding claim 16, the further limitation of claim 15, see column 3, lines 65-67. Ali teaches that their disclosed invention can be implemented as an answering device for use in telecommunications. Ali does not specifically teach that the memory is removable, however one skilled in the art at the time of the invention can appreciate that answering machines have traditionally used removable medium and the office takes Official Notice of such a feature. It would have been obvious for one of ordinary skill in

the art to combine the teachings of Ali and a well known feature of prior art for the purpose of replacing worn out media (Col. 1, lines 59-62).

42. Regarding claim 18, the further limitation of claim 17, see the preceding argument with respect to claim 10. It would have been obvious to transfer data in one of these manners for the same reasons as noted above in claim 16.

43. Regarding claim 22, the further limitation of claim 20, see the preceding argument with respect to claim 3. The combination teaches these features.

44. Regarding claim 29, the further limitation of claim 27, see the preceding argument with respect to claim 16. The combination teaches these features.

45. Regarding claim 30, the further limitation of claim 27, see the preceding argument with respect to claim 27. Ali teaches the features of the parent claim, but does not teach the feature of sending the audio data to a remote device. Ali teaches a telephone interface and a system that is used as an answering machine. The office takes Official Notice that a telephone answering machine can be remotely contacted for the purpose of listening to recorded messages. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Ali with the prior art for the purpose of listening to messages while away on vacation.

46. Regarding claim 31, the further limitation of claim 30, see the preceding argument with respect to claim 18. The combination teaches these features.

47. Regarding claim 32, the further limitation of claim 30, see the preceding argument with respect to claim 19. Ali teaches this feature.

### ***Conclusion***

48. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hanscom et al., U.S. Pat. No. 4,596,901, discusses remote control functions of an answering machine.

Mennemeier et al., U.S. Pat. No. 5,880,979, discusses feature vectors and pattern recognition of audio.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER  
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